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REMARKS

Reconsideration and reexamination of the application are requested. Claims 1, 4 and 8 are amended. The amendments are supported by the original disclosure, for example page 7, lines 7-8 and Figure 2. Claim 3 is canceled without prejudice or disclaimer. Claims 1-2 and 4-8 remain pending.

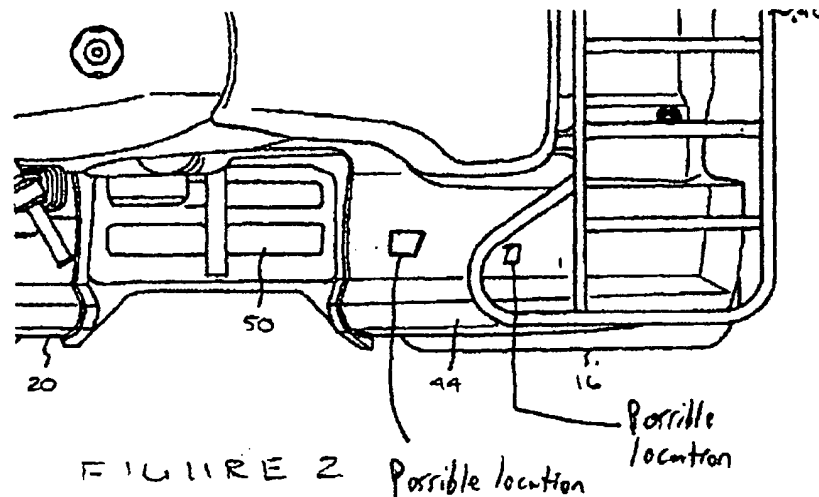
Claims 1-8 are rejected under 35 USC 103(a) as being unpatentable over Matsuura et al., (US 2001/0047896) in view of Putnam (US 5,288,094) or Belinky et al. (US 6,076,691) or Davis (US 6,447,302 B1).

The proposed combination of references does not teach or suggest an accessory socket provided forwardly of the rear end of the rear carrier and downwardly of the rear carrier, and positioned to the rear of the driver's seat. With the construction recited in claim 1, the accessory socket is conveniently positioned for connection with an electric accessory that is on the rear carrier as well as with electric accessories located behind the vehicle. In addition, because the socket is positioned to the rear of the driver's seat, the length of the cord of a device connected to the socket can be reduced. Further, by positioning the socket downwardly of the rear carrier, the rear carrier can protect the socket.

The rejection asserts that indented portions of the rear fender assembly 44 in Matsuura constitute a "recess", and that paragraph [0043] of Matsuura suggests that the electrical socket can be positioned in a recess in the rear fender assembly. There is no teaching in Matsuura that the recess referred to in paragraph [0043] is in any way related to the indented portions in the rear fender assembly. To draw a conclusion that the socket would be positioned in the indented portion of the rear fender assembly 44 is not supported by Matsuura and is based solely on Applicant's disclosure, which is impermissible hindsight.

As noted in the rejection, Matsuura does not specifically identify where on the rear fender assembly such a recess would be located. The following portion of Figure 2 of Matsuura identifies two possible locations for a recess in the rear fender assembly 44 that are consistent with the disclosure in paragraphs [0035] and [0043] of Matsuura.

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Applicant notes that each of these locations would provide the benefit of facilitating connection with an electric accessory that is on the rear carrier as well as with electric accessories located behind the vehicle. In addition, one location is beneath the carrier which will protect the socket. However, neither of these two locations meets the limitations recited in claim 1. Since a number of locations on the rear fender assembly 44 for the socket are possible, the assertion that it would be obvious to position the socket to meet the claim limitations is arrived at only after reading Applicant's disclosure and is not based on teachings in the prior art.

There is simply no teaching or suggestion from Matsuura to position the socket as recited in claim 1.

The rejection also suggests that Matsuura inherently discloses the socket being forwardly of the rear carrier and downwardly of the rear carrier because of the position of the rear fender assembly 44 of Matsuura in relation to the rear carrier, anywhere on the rear fender is forward of the rearward end of the carrier and downward of the rear carrier. That is simply not the case. It is possible that the socket, if mounted on the rear fender assembly 44, could nonetheless be mounted so that it projects to the rear of the rear carrier (and/or above the carrier). One reason for doing so is that the socket could be considered more readily accessible, without giving thought to the issue of protecting the socket when standing the vehicle upright.

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Therefore, to conclude that Matsuura inherently discloses the socket being forwardly of the rear carrier and downwardly of the rear carrier is unsupported by Matsuura.

The rejection acknowledges that Matsuura does not disclose the socket being to the rear of the driver's seat, but points to Putnam, Belinky and Davis as teaching electrical sockets to the rear of a vehicle. The conclusion is that it would have been obvious to provide the socket of Matsuura to the rear of the vehicle. This conclusion and the relevance to the claimed invention is not clear to Applicant. If the socket is positioned to the rear of the vehicle as with the proposed modification, then the socket is clearly not forward of the rear end of the rear carrier as recited in claim 1. Therefore, the rejection itself seems to acknowledge that the combination of Matsuura and one of Putnam, Belinky and Davis does not arrive at the claimed invention. As noted by the Examiner, Putnam, Belinky and Davis all teach locating a socket to the rear of a vehicle. None of these references teach locating a socket to the rear of a seat and forwardly of a rear end of a rear carrier.

The rejection also seems to suggest that the claimed location of the socket is a rearranging of parts involving only routine skill in the art, citing to In re Japikse, 86 USPQ 70. The Japikse case stands for the proposition that changes in location, that do not change operation or achieve some benefit, is a mere rearranging of parts. As indicated above, the claimed position of the socket provides a number of benefits not achieved or suggested by the prior art. For example, the positioning of the socket prevents damage to the socket when the vehicle is stood upright; the socket is conveniently positioned for connection with an electric accessory that is on the rear carrier as well as with electric accessories located behind the vehicle; the length of the cord of a device connected to the socket can be reduced; and the rear carrier can protect the socket. Thus, the claimed positioning of the socket is not merely a rearrangement of location, as the claimed positioning achieves benefits not taught or suggested by Matsuura or the other prior art of record.

In addition, claim 1 recites that the socket is positioned closer to one rear lamp than to another rear lamp. An advantage of this construction is that light from the closer

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lamp can illuminate the socket at night, making the lamp more visible. There is no teaching in Matsuura that the socket should be positioned closer to one lamp than to another lamp. The vehicles in Putnam, Belinky and Davis are non-analogous to an all-terrain vehicle as in Matsuura, so any conclusions about the positioning of the socket relative to rear lamps based on Putnam, Belinky and Davis is inappropriate.

Claim 8 recites that the socket is positioned adjacent one of the lamps. An advantage of this construction is that light from the lamp can illuminate the socket at night, making the lamp more visible. Matsuura does not teach such a feature. In addition to being from non-analogous art, Putnam, Belinky and Davis do not teach or suggest a socket that is adjacent a rear lamp.

For at least these reasons, the claims are patentable over Matsuura, Putnam, Belinky and Davis.

In view of the above, early issuance of a notice of allowance is solicited. Any questions regarding this communication can be directed to the undersigned attorney, Curtis B. Hamre, Reg. No. 29,165 at (612) 455-3802.

Respectfully submitted,

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